

### REMARKS

Claim 1 has been amended. New claims 7-9 have been added. Thus, claims 1 and 4-9 are presented for examination. Support for the new claims may be found in the specification at page 3, lines 21-22; page 5, lines 1-2; page 6, lines 10-11; in the Examples, and in Tables 1-3. Thus, no new matter has been added. Reconsideration and withdrawal of the present rejections in view of the comments presented herein are respectfully requested.

#### Rejection under 35 U.S.C. 103(a)

Claims 1 and 3-6 were rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (U.S. 5,985,525) in view of Kanda (2003/0091732). In the final Office Action, the Examiner alleges that it would have been obvious to use methanol and/or ethanol for a reasonable expectation of obtaining the advantages of rapidly dissolving a surfactant in an aqueous solution and/or rapidly dispersing an organic material in a soft portion of a photopolymer layer on a developing photoresist layer. However, as explained below, this combination of references would not render the claimed invention obvious.

In the Advisory Action, the Examiner states that the recitation of the halogen ion being present in the amount of 1,000 ppm or less would include the absence of halogen ion, thus allegedly failing to distinguish the present claims from the cited references. Claim 1 as amended no longer recites the halogen ion in an amount of 1,000 ppm or less. The halogen ion is now presented in new dependent claims 8 and 9.

Claim 1 as amended recites a developer composition for resists comprising an organic quaternary ammonium base and an anionic surfactant represented by formula (I) in an amount from 500 to 100,000 ppm, sulfate ion in an amount from 10 to 10,000 ppm, and a lower alcohol in an amount from 0.05 to 2.5% by mass.

Establishing *prima facie* obviousness requires a showing that some combination of objective teachings in the art and/or knowledge available to one of skill in the art would have lead that individual to arrive at the claimed invention. See *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Moreover, establishing *prima facie* obviousness requires not only a showing that such a combination of prior art teachings is possible, but also that the teachings would have motivated the skilled artisan to make the combination to arrive at the claimed invention. See *In re Dow Chem. Co.*, 837 F.2d 469, 473 (Fed. Cir.1988). Absent a showing of such motivation,

*prima facie* obviousness is not established. See *Fine*, 5 USPQ2d at 1598. The USPTO has acknowledged that the recent decision by the Supreme Court in *KSR Int'l. Co v. Teleflex Inc.*, No. 04-1350 (April 30, 2007) did not eliminate this requirement. In a Memorandum dated May 3, 2007 sent to Technology Center Directors, Margaret A. Focarino, Deputy Commissioner for Patent Operations, concluded that "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." In the case of the present rejection, no such reason is present.

Sato describes an aqueous developer composition for an alkali-developable photoresist composition. Sato does not recite any organic solvents, whereas the present claims recite a lower alcohol. As described in the present specification at page 6, lines 2-3, the use of such a lower alcohol in connection with the present invention unexpectedly resulted in improved dimensional controllability.

Kanda discloses a surfactant aqueous solution for development of a coating layer, but does not disclose or suggest the aqueous surfactant, or amount thereof, recited in present claim 1. By including the surfactant in the recited amount, unexpected results are achieved. For example, the wetting behavior and resolution are improved. (specification at page 5, lines 4-5) and "it is made possible to prevent the selectivity in the solubility behavior between the areas irradiated and unirradiated with actinic rays from deteriorating, and thus a resist with good profile can be obtained after the development and the heat resistance of the resist can be improved." (specification, page 5, lines 6-9). Furthermore, according to Comparative Examples 1 and 2 in the present application, the developer composition for resists not containing an anionic surfactant of the present application, the unique effect of the present application cannot be achieved.

Therefore, because the results obtained by Applicants were completely unexpected, one of ordinary skill in the art would not have had any reason to combine Sato et al which recites an aqueous developer solution for an alkali-developable photoresist composition **not** containing any organic solvents with Kanda which recites a surfactant aqueous solution for development of a coating layer **not** containing the anionic surfactant, or amount thereof, recited in present claim 1. Furthermore, these unexpected results described above could not have been predicted based upon the combination of Sato et al., further evidencing the nonobviousness of the claimed invention.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a).

CONCLUSION

Applicants submit that all claims are in condition for allowance. Should there be any questions concerning this application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

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